

Document Page 1 of 1
IN THE UNITED STATES BANKRUPTCY COURT, DISTRICT OF PUERTO RICO

IN RE: JUAN OMAR ALVAREZ BERRIOS

Bankruptcy Number: **13-05014-MCF**

AILYN YADIRA ROSARIO RESTO

Chapter 13

STANDING CHAPTER 13 TRUSTEE §341 MEETING MINUTES AND REPORT ON CONFIRMATION

Petition Filing Date: **06/18/2013**

First Meeting Date: **07/19/2013 at 11:00AM**

Days From Petition Date: **31**

341 Meeting Date: **07/19/2013 at 11:00AM**

910 Days Before Petition: **12/21/2010**

Confirmation Hearing Date: **08/23/2013 at 1:30PM**

Chapter 13 Plan Date: **06/18/2013** ☐ Amended

Plan Base: **\$10,200.00** Plan Docket # **2**

This is Debtor(s) **1** Bankruptcy petition.

This is the **1** scheduled meeting.

Payment(s) ☐ Received or ☐ Evidence shown at meeting:

Total Paid In: **\$0.00**

Check/MO# **21094039978**

Date: **7/15/2013** Amount: **\$ 170.00**

*APPEARANCES: ☐ Telephone ☐ Video Conference

Debtor: ☒ Present ☐ Absent ☒ ID & Soc. OK

Joint Debtor: ☒ Present ☐ Absent ☒ ID & Soc. OK

☒ Examined ☐ Not Examined under Oath

☒ Examined ☐ Not Examined under Oath

Attorney for Debtor(s): ☐ Not Present ☒ Present

Name of Attorney Present (Other than Attorney of Record): _____

☐ Pro-se

☐ Creditor(s) Present ☒ None

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **JUAN O CALDERON LITHGOW***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$1,000.00** Outstanding (Through the Plan): **\$2,000.00**

*TRUSTEE'S REPORT ON CONFIRMATION & STATUS OF §341 MEETING

Debtor(s) Income is (are) ☒ Under ☐ Above Median Income

Liquidation Value: **\$ 0.00**

Commitment Period is ☒ 36 months ☐ 60 months §1325(b)(1)(B)

Projected Disp. Inc.: **\$ n/a**

The Trustee: ☐ NOT OBJECTS ☒ OBJECTS Plan Confirmation Gen. Uns. Approx. Dist.: ____ %

§341 Meeting ☐ CONTINUED ☐ NOT HELD ☐ CLOSED ☒ HELD OPEN FOR 14 DAYS

§341 Meeting Rescheduled for: _____

Comments:

*TRUSTEE'S OBJECTIONS TO CONFIRMATION: NOTICE: LBR 3015-2(c)(6) The debtor must within seven (7) days after service of the objection file either: (A) an amended plan that addresses each objection; or (B) a reply setting forth the facts and legal arguments that give rise to the reply in sufficient detail to allow each objector, if possible, to reconsider and withdraw its objection.

[1325(a)(4)] Plan fails Creditors Best Interest Test.

Bank account with BPPR was not included in Schedule B.

Debtors must submit evidence of value assigned to 1997 Ford Expedition.

[1325(a)(6)] Feasibility – Debtor(s) does not has/have the capacity to make proposed plan payments.

Per paystubs, Debtor's monthly income is \$628.00 (\$145.00 weekly), which is less than the amount reported in Schedule I.

Also, per paystubs submitted, Joint Debtor has a monthly gross income of \$1,436.00, which is less than the amount reported in Schedule I. Debtors do not have enough disposable income to fund the plan.

[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to pay 100% of [507] priority claims.
[1322(d)(1)]

Plan is insufficiently funded to pay debts with Hacienda and State Insurance Fund.

[1325(a)(9)] Tax Requirements – Debtor(s) fails to comply with Tax Return filing requirement of [1308].

Debtor must submit evidence of filing 1040PR tax returns for 2009-2012.

[1325(b)(1)(B)] Projected Disposable Income – Debtor(s) fails to apply projected disposable income, to be received during applicable commitment period, to make payments to unsecured creditors under the plan. [1322(a)(1)]

Schedule I does not include income from Christmas bonus.

*OTHER COMMENTS / OBJECTIONS

Debtors failed to include in SOFA business, JD Distributors, which operated from 2004-2012. Debtor had a milk delivery business and provided services to Tres Monjitas.

SOFA fails to include closed bank account with FirstBank Puerto Rico. The same was closed last year.

/s/ Jose R. Carrion, Esq.

Meeting Date: Jul 19, 2013

Trustee

/s/ Alexandra Rodriguez, Esq.

Presiding Officer